

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
PLAINTIFF,	)	
	)	
v.	)	
	)	Case No.: 3:16-cv-00489-CWR-RHWR
	)	
	)	
HINDS COUNTY, ET AL.,	)	
	)	
DEFENDANTS.	)	
_____	)	

**UNITED STATES' MOTION FOR RECONSIDERATION**

The United States respectfully moves, pursuant to Federal Rules of Civil Procedure 60(b) and 62.1(a)(3), for reconsideration of this Court's Order terminating Section K of the Consent Decree. Order Amending Consent Decree, ECF No. 168 (Apr. 13, 2022) ("Order"); Settlement Agreement Between the United States of America and Hinds County, Mississippi Regarding the Hinds County Jail, ECF No. 8-1 (July 19, 2016) ("Consent Decree"). Section K governs conditions of confinement for youth charged as adults. Since 2019, Defendants have confined all of those youth at Henley-Young Juvenile Justice Center ("Henley-Young"). When this Court issued the Order terminating Section K, there was another consent decree in place also covering conditions at Henley-Young. *J.H. v. Hinds Cnty.*, No. 3:11-CV-327-DPJ-FKB (S.D. Miss. filed June 1, 2011). This Court reasoned that, "[o]n a going-forward basis, therefore, concerns about Henley-Young are best submitted to the discretion and sound judgment of the Presiding Judge in that case." Order, ECF No. 168 at 110.

The circumstances have changed. On October 13, 2022, the court in *J.H.* granted defendants' unopposed motion to terminate the consent decree. *J.H.*, No. 3:11-CV-327-DPJ-FKB, Order Granting Motion to Terminate Extended Third Amended Consent Decree, ECF No. 196 (S.D. Miss. Oct. 13, 2022) (attached hereto as Exh. A). In granting the unopposed motion, the court in *J.H.* made no findings about defendants' compliance with the consent decree or the constitutionality of conditions at Henley-Young. *See id.*

In light of this changed circumstance, and upon reconsideration, this Court should issue an indicative ruling pursuant to Federal Rules of Civil Procedure 60(b) and 62.1. In its ruling, the Court should determine that the provisions of Section K of the Consent Decree are necessary to correct ongoing constitutional violations as to youth charged as adults, and are narrowly tailored and the least intrusive means of achieving constitutional conditions, as required under the Prison Litigation Reform Act, 18 U.S.C. § 3626. In addition, the Court should indicate that it will, upon remand, restore all Section K provisions except the sight and sound provision (provisions 78, 79, 81, 82, 83, and 84); incorporate the remedies into the New Injunction, ECF No. 169; retain jurisdiction over conditions at Henley-Young (or whatever facility or facilities the Defendants use to house youth charged as adults); and grant any other necessary relief.

**FOR THE UNITED STATES:**

Darren J. LaMarca  
United States Attorney  
Southern District of Mississippi

KRISTEN CLARKE  
Assistant Attorney General  
Civil Rights Division

STEVEN H. ROSENBAUM  
Chief  
Civil Rights Division  
Special Litigation Section

MITZI DEASE PAIGE (MS #6014)  
Assistant U.S. Attorneys  
U.S. Attorney's Office  
Southern District of Mississippi  
501 E. Court Street – Ste. 4.430  
Jackson, MS 39201  
[mitzi.paige@usdoj.gov](mailto:mitzi.paige@usdoj.gov)  
(601) 973-2840  
(601) 965-4409 (fax)

LAURA L. COWALL (DC #481379)  
Deputy Chief  
[laura.cowall@usdoj.gov](mailto:laura.cowall@usdoj.gov)  
(202) 514-1089  
(202) 514-0212 (fax)

*/s/ Helen Vera*  
HELEN VERA (DC #1025735)  
Trial Attorney  
[helen.vera@usdoj.gov](mailto:helen.vera@usdoj.gov)  
(202) 305-0132  
(202) 514-0212 (fax)

CHRISTOPHER N. CHENG (PA #69066)  
[christopher.cheng@usdoj.gov](mailto:christopher.cheng@usdoj.gov)  
Trial Attorney  
United States Department of Justice  
Civil Rights Division  
Special Litigation Section  
150 M St., N.E.  
Washington, DC 20002

DATED: November 2, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that on November 2, 2022, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

/s/ Helen Vera

Attorney for the United States  
United States Department of Justice  
Civil Rights Division, Special Litigation Section  
950 Pennsylvania Avenue, NW  
Washington, DC 20530